

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

|                                       |   |                        |
|---------------------------------------|---|------------------------|
| <b>SPRINT COMMUNICATIONS COMPANY,</b> | ) |                        |
| <b>L.P.,</b>                          | ) |                        |
|                                       | ) |                        |
| <b>Plaintiff,</b>                     | ) |                        |
|                                       | ) | <b>CIVIL ACTION</b>    |
| <b>v.</b>                             | ) |                        |
|                                       | ) | <b>No. 11-2684-KHV</b> |
| <b>COMCAST CABLE COMMUNICATIONS,</b>  | ) |                        |
| <b>et al.,</b>                        | ) |                        |
|                                       | ) |                        |
| <b>Defendants.</b>                    | ) |                        |
|                                       | ) |                        |

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**MEMORANDUM AND ORDER**

This matter is before the Court on Defendants’ Motion To Transfer Pursuant To 28 U.S.C. § 1404 (Doc. #42) filed September 25, 2012. Defendants in two other cases pending in this district, all of which deal with the same patents-in-suit, filed identical motions seeking transfer to the United States District Court for the District of Delaware.<sup>1</sup> Plaintiff opposes the motions. For the reasons stated in the orders denying the motions to transfer in the other two cases,<sup>2</sup> the Court denies defendants’ motion.

Plaintiff Sprint Communications Company, L.P. (“Sprint”) is a telecommunications company headquartered in Overland Park, Kansas. It owns a number of patents for Voice-over-Packet (“VoP”) technology that are the subject of these three lawsuits. Defendants in the cases are also telecommunications companies that provide telephone services in Kansas. Defendants in this case are organized under the laws of Delaware or Pennsylvania and have their principal place of business

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<sup>1</sup> Sprint Communications Co., L.P. v. Cable One, Inc., Case No. 11-2685-RDR and Sprint Communications Co., L.P. v. Time Warner Cable Inc., et al., Case No. 11-2686-JTM.

<sup>2</sup> Case No. 11-2686-JTM, Doc. # 55; Case No. 11-2685-RDR, Doc. #41.

in Pennsylvania.

In denying defendants' motion to transfer in Case No. 11-2686, Judge Marten analyzed the factors relevant to 28 U.S.C. § 1404 and concluded that "the balance of convenience factors do not strongly favor defendants' request for transfer of this matter to Delaware such that Sprint's choice of forum in Kansas may be properly disturbed." Case No. 11-2686, Doc. #55 at 9. This Court has carefully considered Judge Marten's order and concludes that the same analysis applies and such analysis yields the same result. Thus, for the reasons stated in Judge Marten's order, the Court denies defendants' motion to transfer.

**IT IS THEREFORE ORDERED** that Defendants' Motion To Transfer Pursuant To 28 U.S.C. § 1404 (Doc. #42) filed September 25, 2012 be and hereby is **OVERRULED**.

Dated this 31st day of January, 2013, at Kansas City, Kansas.

s/ Kathryn H. Vratil  
KATHRYN H. VRATIL  
United States District Judge